



**MINUTES OF SPECIAL JOINT MEETING OF THE  
CITY COUNCIL/REDEVELOPMENT AGENCY  
OF THE CITY OF HAYWARD  
City Council Chambers,  
777 B Street, Hayward, CA 94541  
Tuesday, May 6, 2003, 8:00 p.m.**

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**MEETING**

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by members of the Webelos, Pack 846. Their troop Leader is Bob Davis.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,  
Rodriquez, Ward, Dowling, Henson  
MAYOR/CHAIR Cooper  
Absent: None

**PRESENTATION:** Business Award

The City of Hayward presented the Business Recognition Award for May 2003 to Heald College. More than 140 years ago, Edward Payson Heald opened Heald College in San Francisco. Since then, Heald has helped hundreds of thousands of students prepare for successful careers in business and technology at 11 campuses throughout California, Hawaii and Oregon. In 1967, Heald opened its Hayward campus and in February 2001 moved to its current facility on Industrial Boulevard. There are currently 1,100 students enrolled at the Hayward campus. The City of Hayward recognized Heald for preparing students, expanding their facility in Hayward, and attracting positive attention to the City. Vice President and Executive Director Barbara Gordon thanked the Council for this honor and accepted the award on behalf of Heald College and the students.

**Recognition of Adam Bras**

Mayor Cooper and the City Council Members recognized Adam Bras for his outstanding contribution to the protection and safety of the residents of the City of Hayward by honorably serving with the American Armed Forces in the 2003 war with Iraq.

**PUBLIC COMMENTS**

Francisco Abrantes discussed housing within the City of Hayward and the size of the new homes. He then said he had just bought a new home in the City of Santa Clara.

Jason Moreno commented on a recent citizen meeting held and suggested further control of abandoned vehicles. He asked whether civilian volunteers might not be used to help reduce and eliminate the abandoned vehicle problem within the City of Hayward. The Police Department response was that there is a potential for danger in the process.

Stephen Cassaro asked for a theater somewhere in Hayward.

Eric Frish asked for a park near Scripps Street.

Joey Davis thanked the members for running Hayward. He said they do a nice job.

Jeanne Gocker said she attended a conference on animal issues. One of the issues discussed was a pit bull spaying program. She inquired on the number of pit bulls at the local shelter and wondered how many are euthanized. Friends of Hayward Animals are launching a campaign to spay and neuter 100 pit bulls within the City. They have provided animal control officers with vouchers. She gave several phone numbers for free normal spay or neuter service for pit bulls.

Council Member Hilson commended Ms. Gocker and the Friends for making this program available, and emphasized that it is the action of the owners, not the dogs, who are bad.

Council Member Henson commented that spaying and neutering are healthier for the dogs and prolong the animal's life.

Ann Holland, who lives directly behind Eldridge Elementary School, described the various traffic issues in their neighborhood park. She noted that young people use these streets as a freeway on Reiger in front of the park. She commented that it has become dangerous in the area. She asked for relief from the problems.

John Davini, Director of Mt. Eden High School Chorus, gave a briefing on the tour of the choir. He noted the choir's successful performance in New York City at Carnegie Hall as well as at Grand Central Station. He thanked the Council, the first to support the program. He specifically thanked Doris Rodriquez, Mayor Cooper and City Manager Armas for all their help and support.

Ken Rawden described the event at Carnegie Hall and how enthusiastically the Choir members worked at their performance. He, too, was thrilled at the response from the Council Members, the Chamber of Commerce, and residents of the City of Hayward in support of the Choir.

## **BOARDS/COMMISSIONS**

### **1. Confirm Appointments of New Youth Commissioners/Administer Oaths of Office**

Staff report submitted by City Clerk Reyes, dated May 6, 2003, was filed.

It was moved by Council Member Ward, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 03-061, "Resolution Appointing Members to the Youth Commission"

City Clerk Reyes administered the oath of office to the new commissioners.

## **CONSENT**



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2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of April 22, 2003

It was moved by Council/RA Member Henson, seconded by Council/RA Member Hilson, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of April 22, 2003.

3. Resignation of Nancy Eager from the Library Commission

Staff report submitted by City Clerk Reyes, dated May 6, 2003, was filed.

Council Member Dowling thanked Ms. Eager for all of her years of outstanding service to the City of Hayward Library both as a Librarian and Library Commissioner.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 03-062, "Resolution Accepting Written Resignation of Nancy Eager as a Member of the Library Commission of the City of Hayward"

4. North Walpert Intertie and Seismic Upgrade – Approval of an Increase in Administrative Change Order Authority

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated May 6, 2003, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 03-063, "Resolution Approving an Increase to the Administrative Change Order Authority for the North Walpert Intertie and Seismic Upgrade Project, Project Nos. 7149 and 7150"

5. Water System Chloramine Conversion Project - Authorization for Execution of an Agreement for Professional Engineering Services

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated May 6, 2003, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 03-064, "Resolution Authorizing the City Manager to Execute an Agreement for Professional Engineering Services Between the City of Hayward and Brown and Caldwell"

## **HEARINGS**

### **6. Hearing on Report and Assessment for Residential Rental Inspection Fees Past Due**

Staff report submitted by Senior Housing Inspector Bragg, dated May 6, 2003, was filed.

Senior Housing Inspector Bragg made the staff report. He noted the owners, items 2, 9, 10 and 17, had paid their accounts in full.

Mayor Cooper opened the public hearing at 8:46 p.m.

Roosevelt Wilkerson, #24, on the rental housing inspection list, asked about the bills and the over due charges. He said he understood that a lien on his taxes had already paid these charges.

Senior Housing Inspector Bragg responded that the corrections have been made but the charges are still outstanding from the previous year. Charges incurred previously on the property were paid through the tax lien and the outstanding bill of \$425 is for the subsequent year. The property is now in compliance.

City Manager Armas suggested that staff meet with Mr. Wilkerson to determine whether the accounts are cleared.

Francisco Abrantes commented on two houses owned by three couples who reside within their own property. He suggested the number of people living there was a problem.

Mayor Cooper closed the public hearing at 8:53 p.m.

With the deletions of #2, 9, 10 and 17, it was moved by Council Member Hilson, seconded by Council Member Ward, and unanimously carried to adopt the following:

Resolution 03-065, "Resolution Confirming the Report and Assessment of Overdue Residential Rental Inspection Fees for Calendar Year 2002"

### **7. Hearing on Report and Assessment for Community Preservation Fees Past Due**

Staff report submitted by Senior Community Preservation Inspector Mork, dated May 6, 2003, was filed.



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Neighborhood and Economic Development Manager Bauman made the staff report along with Senior Community Preservation Inspector Mork, noting that the charge for #6, Robert Garcia was revised to \$320.12.

Council Member Henson asked questions as to why charges from 2001 were still on the list.

Staff responded that the property remains open until the owner complies, which may overlap into a new year.

Mayor Cooper opened the public hearing at 8:57 p.m.

Harry Long, #29, discussed receiving a certified letter granting him an extension on the automobile on his property, which was picked up in February.

Mayor Cooper suggested he speak with Neighborhood and Economic Development Manager Bauman or Senior Community Preservation Inspector Mork.

Richard Ryan, #21, said he was notified to tear down a structure during the rainy season. He said he was given an extension and did not understand the billing. Mr. Ryan disagreed with the summary of events and said he bought the house with the carport in this condition.

Neighborhood and Economic Development Manager Bauman showed a photo. She said there was no permit on file for turning a carport into a garage, but plywood was placed surrounding it as a garage. She then described the steps taken by staff. She noted that the owner was assessed a fee on the re-inspection date. She discussed the time provided to remedy the problem and the various extensions given as well as the ongoing inspections. She commented that this was a long-term problem with many and varied inspections. She also clarified that when extensions are given, there is no extra charge.

Charles Hahn, #7, said he represented his father, Alex Hahn, who is the owner of the old Lyons Restaurant. He said he was robbed last week, as well as last December. He thanked the various people from the City of Hayward who helped him understand the process. He enumerated the expenses that his family has incurred to remove trash and debris, to remove graffiti and to remove the previous signage. He asked for an adjustment on the charges by the City.

Council Member Henson asked whether Mr. Hahn was challenging the amount.

Neighborhood and Economic Development Manager Bauman noted that there are two separate issues for this address. She described the dates of inspection and the charges imposed for the sign violation. She showed photographs of the graffiti on the building as well as noted that a City contractor was sent in to clean up the building.

Council Member Dowling asked about the new lessee who has a Chinese restaurant in Fresno.

Jason Moreno commented on the old Lyons Restaurant building and asked about extensions and related fees. He asked whether there is a fee schedule that people are given.

Neighborhood and Economic Development Manager Bauman explained the process and that the fees are listed in the Master Fee Schedule.

Mayor Cooper closed the public hearing at 9:22 p.m.

Council Member Rodriquez asked about the current condition of Mr. Ryan's property. She suggested Neighborhood and Economic Development Manager Bauman meet with him to confirm the charges.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 03-066, "Resolution Confirming the Report of the Enforcement Officer for Public Nuisance and Abatements from Certain Properties in the City of Hayward in Connection with the Community Preservation Program for 2002"

#### 8. Hearing on Report and Assessment for Weed Abatement Fees Past Due

Staff report submitted by Senior Community Preservation Inspector Mork, dated May 6, 2003, was filed.

Mayor Cooper opened and closed the public hearing at 9:24 p.m.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following with no adjustments:

Resolution 03-067, "Resolution Confirming the Report of the Enforcement Officer for Weed, Rubbish, and Litter Abatements from Certain Properties in the City of Hayward in Connection with the Weed Abatement Program for 2002"

### LEGISLATIVE BUSINESS

#### 9. Revisions to Park In Lieu Fees Ordinance (*continued from 4/22/03*)

##### A. Adoption of Park In Lieu Fees Ordinance

Staff report submitted by City Clerk Reyes, dated May 6, 2003, was filed.



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Mayor Cooper opened the public hearing at 9:25 p.m.

Lou Andrade, President of HARD, spoke in favor of the introduced ordinance and said the Board supported the total increase for this year as it is significant and other monies could be taken by the State. He noted that all of the in-lieu fees would be spent in Hayward. He also responded to questions and comments from Council related to individual Board member opinions on this matter and the significance of the funding if it were phased in.

Jason Moreno commented that big developers have supported some of the HARD Board Members.

Mayor Cooper closed the public hearing at 9:29 p.m.

Council Member Dowling moved the adoption of the Park In Lieu Fees Ordinance.

Council Member Jimenez made a substitute motion to phase in the fee increase over a two-year period. Council Member Ward seconded the motion, which failed by the following roll call vote:

AYES: Council Members Jimenez, Ward, Henson  
NOES: Council Member Hilson, Rodriquez, Dowling  
MAYOR Cooper  
ABSENT: None  
ABSTAINED: None

Prior to the next motion, Council Member Henson commented that he was apprehensive of the cumulative effect of this ordinance. He realized the need for funds by HARD, but his concern was not that the funding would stop, but rather slow it down. He fully supports HARD.

It was moved by Council Member Dowling, seconded by Council Member Hilson, and carried by the following roll call vote to adopt the ordinance:

Ordinance 03-06, "Ordinance Revising Article 16 of Chapter 10 of the Hayward Municipal Code for the Park Dedication In-Lieu Fees"

AYES: Council Members Hilson, Rodriquez, Ward,  
Dowling  
MAYOR Cooper  
NOES: Council Member Henson, Jimenez  
ABSENT: None  
ABSTAINED: None

B. Introduction of Ordinance

Staff report submitted by City Manager Armas, dated May 6, 2003, was filed.

In light of the passage of item 9.A., 9.B. was not considered.

10. Adoption of Ordinance Related to Rezoning Certain Territory Located At 28422 East 11<sup>th</sup> Street Pursuant To Zone Change Application No. 2001-0300

Staff report submitted by City Clerk Reyes, dated May 6, 2003, was filed.

Mayor Cooper opened and closed the public hearing at 9:32 p.m.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Ordinance 03-07, “An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located at 28422 East 11<sup>th</sup> Street Pursuant to Zone Change Application No. 2001-0300”

**COUNCIL REPORTS**

There were no Council Reports.

**ADJOURNMENT**

Mayor Cooper adjourned the meeting at 9:35 p.m.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward  
Chair of the Redevelopment Agency

ATTEST:

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Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency